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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,118	04/26/2000	Douglas M Dillon	PD-N94026G	1743

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

11

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PR

<b>Office Action Summary</b>	Applicati n No. 09/559,118	Applicant(s) DILLON, DOUGLAS M	
	Examin r Joseph E. Avellino	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cov r sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-25, 27-35 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-25, 27-35, and 37-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 20-25, 27-35, and 37-40 are pending in this examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-25, 27-35, and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ujiie (USPN 5,161,194) (cited in previous Office Action) in view of Majeti et al. (USPN 5,534,913) (cited by Applicant in IDS) (hereinafter Majeti).

3. Referring to claim 20, Majeti discloses an apparatus comprising:  
a receiving unit configured to receive a TCP/IP packet from a TCP/IP network (Internet) via a high speed data cable that transmits the TCP/IP packet to a cable head-end distribution unit (Figure 1);  
wherein a request from said apparatus to the TCP/IP network comprises an IP address associated with said receiving unit so that a response from the TCP/IP network addressed to the IP address associated with said receiving unit will be sent to said apparatus via the high speed data cable to be received by said receiving unit (it is

inherent that the request comprises an IP address since the TCP/IP network is the Internet) (e.g. abstract; col. 2, lines 20-30);

wherein the request transmitted from said apparatus to the TCP/IP network is generated using a browser (it is suggested by the reference that the system of Majeti uses a browser since a personal computer is used and it is well known in the art that personal computers use browsers to obtain information through the Internet) (Figure 1; col. 6, lines 8-28).

Majeti does not disclose that the unit is configured to receive a packet via a satellite. In analogous art, Ujiie discloses another communications system wherein a receiving unit is able to receive packets via a satellite (e.g. abstract; Figure 1). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Majeti and Ujiie to allow another medium of high-speed data transfer to occur, resulting in more efficient transmission and error checking.

4. Referring to claim 21, Majeti discloses the communications apparatus as stated above. Majeti furthermore states that the apparatus determines having a destination address matching the address associated with said receiving unit (col. 4, lines 25-45). Although Majeti does not state that the address is an IP address, it is suggested by the prior art that it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate IP addresses to the system of Majeti to provide for reduced complexity of the system while standardizing equipment for the ease of future upgrades or replacements.

5. Referring to claims 22 and 23, Majeti discloses the request transmitted from said apparatus to the TCP/IP network is transmitted via a dialup connection (e.g. abstract; Figure 1).

6. Referring to claim 24, Majeti discloses the address associated with said receiving unit is assigned by an Internet service provider (col. 4, line 64 to col. 5, line 25; col. 6, lines 15-18). Although Majeti does not state that the address is an IP address, it is suggested by the prior art that it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate IP addresses to the system of Majeti to provide for reduced complexity of the system while standardizing equipment for the ease of future upgrades or replacements.

7. Referring to claim 25, Majeti discloses the address associated with said receiving unit is different from a source address of the request transmitted from said apparatus to the TCP/IP network (col. 4, line 46 to col. 5, line 25). Although Majeti does not state that the address is an IP address, it is suggested by the prior art that it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate IP addresses to the system of Majeti to provide for reduced complexity of the system while standardizing equipment for the ease of future upgrades or replacements.

8. Referring to claim 27, Majeti in view of Ujiie discloses the communications apparatus as stated in the claims above. Majeti does not disclose the request is generated using FTP, however it is suggested by the prior art that the request can be generated using FTP, since it is a well known and widely used protocol for generating requests for files, therefore it would have been obvious to one of ordinary skill to incorporate request generation using FTP protocols for reduced complexity of the overall system while allowing for replacements to be readily available.

9. Referring to claim 28, Majeti discloses the TCP/IP network is the Internet (col. 2, lines 20-30) and said apparatus is connectable to a personal computer (e.g. abstract; Figure 1).

10. Referring to claim 29, Majeti in view of Ujiie discloses the communications apparatus as stated in the claims above. Majeti in view of Ujiie do not disclose the apparatus is embodied as an adapter card, however it is suggested by the prior art that the apparatus can be embodied as an adapter card by allowing both a modem and a high speed data stream to be inputted into the computer, which would allow enhanced communications abilities. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the apparatus as an adapter card to allow docking capabilities with the personal computer as well as for reduced space and complexity in the personal computer.

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11. Claims 30-35, and 37-40 are rejected for similar reasons as stated above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA  
May 28, 2003

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**